

Water Quality Advisory Group
May 10, 2000
Minutes

Group members present: John Fekete, Bill Beranek, Beth Admire, John Wilkins, Melanie Darke, Tom Anderson, Rae Schnapp, Bowden Quinn, Lori Kaplan and Matt Rueff.

Audience: Ted Heemstra, Lee Bridges, Doug Bley, Neil Parke, Mary Uhler, Don Larson, Len Ashack, Reggie Baker, Natalie Grimmer, Stan Pinegar, John Humes, Eric Fry, Jane Dustin, Charlotte Read, Kari Simonelic, Patrick Bennett, Cyndi Wagner, Nancy King, John Nixon and Tonya Galbraith

Introductions

John F.: Review of minutes from April 12th meeting. Comments?

Cyndi: Review of TMDL proposed workgroup and structure. There was a question asked last month by Dr. Wukash regarding increase in funding USDA program. I will make sure he gets the answer to that question. There has been an increase for FY 2001 to \$1.3 billion for USDA programs. CRP - \$125 million for FY 2001 and FY 2002.

Bill: If congress agrees?

Cyndi: Yes. I will also provide Tom the last few pages of the Pronsolino lawsuit for summary.

Bill: Can that be circulated to the group with this months minutes?

Matt: Brief update of TMDL workgroup – Mary Ellen.

Mary Ellen: SEA 431 – IDEM set up TMDL Advisory Group by 7/1/00. We have had internal meetings. We are putting together preliminary list for the Commissioner's review. Starting meetings in July through the end of the year. TMDL FY 2003 – Rulemaking by 2001 – first notice.

John F.: Anything of particular interest please let Mary Ellen know.

Mary Ellen: We have received responses from a couple people. Please use written format such as letter, email.

John F.: Reggie Baker – WWTAG II update

Reggie: Next meeting is May 31st, 1- 4 at the Belmont WWTP. Draft guidance document by 7/1/00. Draft framework document by close of business today. Questions?

John F.: Develop framework for sediment – biological criteria. Need to start addressing this issue. We are looking for brainstorming today.

Matt: We do have language in Triennial Review draft. This would be a starting point. Lee Bridges can comment on biological side. There are a number of states that do have biological. Regarding sediment issues – new Water Quality Standards are being proposed at the federal level. This is potentially a large issue. Language in the permits is very vague. Part of intent is to clarify. Regulated and environmental community would like our feedback.

John W.: EPA does not require criteria for sediment?

Matt: We will try to reflect a clearer line. This is subject to a lot of interpretation. What do we mean by protecting our sediments?

John W.: Triennial Review suggested WPCB doesn't have the authority?

Matt: We wouldn't have provided information if we didn't feel we had the authority. This hasn't been tested because it is vague.

John W.: Are we recommending guidelines or criteria?

John F: If we need to go further with this we will.

Nancy: Sediment criteria guidelines are being developed. We are developing sediment rules right now. We will research this and get back to you.

Tom: There are states with criteria. How long has that been in place?

Matt: Yes. We will have to investigate this.

John W.: Washington state – criteria or guidelines?

Matt: Criteria.

Bill: If legal to have criteria – how would we word criteria? Same wording as guidelines? We are trying to eliminate the ambiguity. What characteristics about sediment and biological integrity are good and bad? Both have a range. The language assumes we know the difference between good and bad.

John F.: What is the end result? What is the impact?

John W.: Is there a problem?

John F.: We want to start investigating.

Tom: Regarding biological criteria – doesn't 431 have IBI for OSRW criteria?

Bill: Is this information available to bring to the group?

Tom: I don't have a good understanding.

John F.: Is there anyone with knowledge about this to give a presentation?

Matt: Someone on our staff. What do we do with legacy pollutants? If we had clear sediment criteria with permits that would help. When do you dredge – not dredge? When does it cause more harm? I attended a presentation in Toronto that was very good.

John F.: Tom – do you know someone?

Tom: Regarding the IBI issue – Dr. Michael Stewart from USGS.

John F.: Matt can you arrange a presentation next month? Tom can look into presentation by Dr. Stewart.

Bill, can you write a one page conceptual matrix and email that out? Today's discussion is for brainstorming.

Rae: Regarding sediment and bio criteria – I see this as frustrating. We don't have a handle on legacy pollutants. Don't know the full extent. Do we have full authority to protect? Need specific information on numeric issues. How much is on-going legacy? Need narrative criteria to be enforced. Maybe a presentation from the Assessment Branch?

John F.: IDEM will bring us up to date with what they have.

Rae: I attend a presentation at Purdue which addressed other options other than dredging. I will find out the name of that person.

Lee: I know a person working with contaminated sediments who can provide information. Dredging is only one option. Leaving in place is another option. Very site specific.

Melanie: Do we see EQSC group complimenting what we are going to do?

Matt: Look at our Surface Water Monitoring Strategy which provides data for 305(b) and 303(d) reports.

John F.: This is useful to be doing – not redundant.

Comments from the group?

Comments from audience?

Charlotte: Total levels to soluble levels?

Matt: Defining sediment. Establishing reasonable framework.

Charlotte: Define impact of dredging vs. alternatives for legacy pollutants. Establish bio index for sediment.

Matt: Will address in framework. Will investigate options.

Mary: We shouldn't lose sight that sediment occurs in watersheds. There are solutions within watersheds.

Matt: Good point.

Lee: Regarding nutrients – states are in the process of developing criteria.

Matt: We are looking at watersheds as a whole regarding sediment and bio criteria. Any more questions?

Tom: There is the whole issue of existing and designated uses. What are they? What are the differences? What is the process? Can we have a presentation from IDEM? This issue needs clarification. Exceptional use vs. designated use. How do they differ? Suspend designated and existing uses. There is some latitude with the state.

John F.: What do these terms mean? May have several meanings.

Tom: How far does EPA's authority extend?

Bill: If we ask the question of where are existing uses in the State of Indiana no one can answer. We can not monkey with existing uses. EPA has yet to be definitive. 431 says that whatever EPA says wins. Whenever they say it. This is causing unnecessary confusion. It would be nice to have some clarification in Indiana.

Nancy: What does federal law say about existing uses? Maybe we should chart it out. Terms may not mean what we think. We inter-mix several terms. We can continue to provide clarity.

John N.: Code of Federal Regulations defines both uses.

Bill: Doesn't say what they are. Is fishable an existing use?

John N.: Use is defined as what was going on that day.

Tom: Cold water fishery. How do you protect if not a designated use now?

Lori: Sounds to me like we need to address the fact that we are not where we were in 1975.

John F.: We need to ask as many questions as we can.

Mary Ellen: Regarding fisheries – we should involve DNR in these discussions.

John F.: Maybe chart some of what's here now. Suggest a small workgroup to work on this and we will use whoever is designated. Mary Ellen will take the lead on this. This group will report back and give a presentation.

Tom: Good idea.

John F.: Any other related questions you think of after you review highlights from this meeting that Julie will get out within next couple days send to Mary Ellen. Nancy or John will chart their information.

Nancy: Review of SEA 431 timelines and rulemaking requirements. Questions?

Bill: Excellent. How tight for exceptional use? Maybe we could ask legislature to extend deadline one year?

Nancy: The section just expires. Once it goes away it just goes away. This portion has a sunset date.

Bill: It may be something useful to come back to the legislature with.

Nancy: Any deadlines that we will have difficulty with will need to be addressed.

Jane: What happens to exceptional use waters that do not qualify for OSRW? Do they disappear?

Nancy: We are dealing with that in Triennial Review. This will be handled in rule making.

Charlotte: Will this fit into Triennial Review?

Nancy: Overview of 431. Triennial Review touches so many issues. Maybe a good idea to cut some of these things apart. Increase discharge to existing exceptional use water – in those two years there can be no further degradation.

Charlotte: Can you downgrade from exceptional use to existing use? Exceptional use is not an existing use.

John F.: Thanks Nancy. Matt would you like to provide an overview of the White River complaint?

Matt: Review of White River complaint.

John F.: Thank you, Matt. The next meeting is scheduled for June 14th. We will review sediment criteria next time and address bio criteria later. We will need an update from Nancy next month.

Mary Ellen: Will we continue the anti-degradation discussion?

John F.: We will focus on sediments. We will use the WPCB for direction on other workgroups.

Bill: We still need to address anti-degradation that's addressed in Triennial Review.

John F.: Should that go into next meeting? Mary Ellen and I will discuss. We will also follow up on Tom's questions.

Rae: How many enforcement actions on impaired water bodies?

Matt: I have looked into that but haven't had the chance to get that out. I will email that out and present for discussion.

Adjournment